

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1618.00
COMPLAINT INVESTIGATOR: Jane Taylor-Holmes
DATE OF COMPLAINT: September 15, 2000
DATE OF REPORT: October 5, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: November 3, 2000

COMPLAINT ISSUES:

Whether the Duneland School Corporation and the Porter County Education Interlocal violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's *individualized education program* (the "IEP") as written, specifically, failing to provide materials on tape.

FINDINGS OF FACT:

1. The Student is ten years old and is in the fifth grade at the local elementary school (the "School"). The Student is eligible for special education and related services as a student with a learning disability ("LD").
2. The Student's *IEP* indicates the initiation and duration of services dates as November 24, 1999 to November 23, 2000. In the area of accommodations, the *IEP* states, "When working on grade level materials in all areas-material may be read to him. Comprehension check by [Student] restating directions will be done especially for projects. Content area material on tape when available."
3. The local special education district director (the "District Director") reported that the case conference committee (the "CCC") decided that copies of taped textbooks in content areas (social studies, science, and health) would be provided to the Student if they were available from the publisher. When it was determined during the 1999-2000 school year that audio tapes of the textbooks were not available from the publisher, the Student's teachers provided the accommodation by reading the materials aloud to the Student. The Student's classroom teacher read to the entire fourth grade class, and the Student's teacher-of-record or her paraprofessional read to the Student individually or in a small group.
4. The District Director reported that for the 2000-01 school year the Student's science and social studies textbooks are available on tape and these tapes have been provided to the Student. Because there are no tapes available from the publisher for the Student's health textbook, the District Director reported that teachers are taping the health book chapter by chapter as the class proceeds through the book.
5. The CCC met on September 12, 2000, and wrote an amendment to the November 23, 1999 *IEP* regarding the accommodation of taped material. The amended accommodation states, "Content areas will be placed on tape for [Student] as previously requested."

CONCLUSIONS:

1. Finding of Fact #2 indicates that the *IEP* stated that content area material would be provided on tape when available, and that material in all areas could be read to the Student. Findings of Fact #3, #4, and #5 indicate that when material was not available on tape, it was read to the Student as also indicated in the *IEP* as an accommodation. Further, Findings of Fact #4 and #5 indicate that currently content area has been provided to the Student on tape, and that after the amendment to the *IEP* was written on September 12, 2000, teachers have been taping the health book for the Student. No violation of 511 IAC 7-27-7(a) occurred.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.